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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/926,424	06/28/2002	Muhammed Majeed	108064-00049	2480

4372 7590 03/12/2003

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EXAMINER

JIANG, SHAOJIA A

ART UNIT PAPER NUMBER

1617

DATE MAILED: 03/12/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/926,424

Applicant(s)

MAJEED ET AL.

Examiner

Shaojia A. Jiang

Art Unit

1617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 86-176 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 86-176 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

This application is a 371 (national stage entry) of PCT/US00/08217 International Filing Date: 04/28/2000, and is a continuation of 09/302,510.

Applicant's preliminary amendment in Paper No. 6, submitted October 30, 2001, is acknowledged. Claims 1-85 have been cancelled and claims 86-176 are newly submitted. Currently, claims 86-176 are pending in this application.

### ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

- 1) Group I, claim(s) 86-129 and 163-169 drawn to several different compositions; claims 130-132, 159 and 170 drawn to methods for inhibition of DNA, RNA and/or protein synthesis in a human or animal in need of the inhibition employing the particular compositions.
- 2) Group II, claim(s) 133-135, 160 and 171 drawn to methods for irreversible inhibition of DNA synthesis in a human or animal in need of the inhibition employing the particular compositions.
- 3) Group III, claim(s) 136-139, 140-143, 161 and 172-173 drawn to methods for prevention and treatment of a lymphoproliferative disease employing the particular compositions.
- 4) Group IV, claim(s) 144-151, 162 and 174-175 drawn to methods for prevention and treatment of an autoimmune disease employing the particular compositions.
- 5) Group V, claim(s) 152-155 drawn to a process of obtaining boswellic acids.

6) Group VI, claim(s) 156-158 and 176 drawn to methods for the treatment of a tumor employing the particular compositions.

According to 37 CFR 1.475 (c), if an application contains claims to more or less than one of the combinations of categories of invention set forth in paragraph (b) of this section, unity of invention might not be present.

According to 37 CFR 1.475 (d), if multiple products, processes of manufacture or uses are claimed, the first invention of the category first mentioned in the claims of the application and the first recited invention of each of the other categories related thereto will be considered as the main invention in the claims. See PCT Article 17(3)(a) and § 1.476(c).

The inventions listed as Groups I-VI do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: the invention of Group I is drawn to several different compositions; and methods for inhibition of DNA, RNA and/or protein synthesis in a human or animal in need of the inhibition employing the particular compositions. The invention of Group II is directed to methods for irreversible inhibition of DNA synthesis in a human or animal in need of the inhibition employing the particular compositions. The invention of Group III is directed to drawn to methods for prevention and treatment of a lymphoproliferative disease employing the particular compositions. The invention of Group IV is drawn to methods for prevention and treatment of an autoimmune disease employing the particular compositions. The invention of Group V is drawn to a process of obtaining boswellic acids. The invention of

Group VI is drawn to methods for the treatment of a tumor employing the particular compositions.

Therefore, claims 86-129 and 163-169 herein, drawn to the compositions and claims 130-132, 159 and 170 drawn to their first method for inhibition of DNA, RNA and/or protein synthesis in a human or animal are considered the main invention. Claims 133-135, 160 and 171 drawn to the second method of use for the particular compositions of Group I in irreversibly inhibiting DNA synthesis in a human or animal comprise the second invention of Group II. Claims 136-139, 140-143, 161 and 172-173 drawn to the third method of use for the particular compositions of Group I in preventing and treating a lymphoproliferative disease comprise the third invention of Group III. Claims 144-151, 162 and 174-175 drawn to the fourth method of use for the particular compositions of Group I in preventing and treating an autoimmune disease comprise the third invention of Group IV. Claims 156-158 and 176 drawn to the fifth method of use for the particular compositions of Group I in treating a tumor comprise the third invention of Group VI. Claims 152-155 is drawn a separate and distinct process in obtaining boswellic acids.

Because each of the method of use herein for the composition of Group I relate to a separate field of medical technology, a single general inventive concept is not seen to be present.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

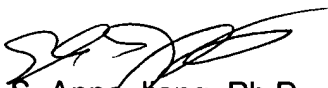
Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Because the above restriction/election requirement is complex, a telephone call to applicant's agent to request an oral election was not made. See M.P.E.P Sec. 812.01.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Jiang, whose telephone number is (703) 305-1008. The examiner can normally be reached on Monday-Friday from 9:00 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sreenivasan Padmanabhan, Ph.D., can be reached on (703) 305-1877. The fax phone number for the organization where this application or proceeding is assigned is (703) 308-4556.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-1235.



S. Anna Jiang, Ph.D.  
Patent Examiner, AU 1617  
March 11, 2003